

By: Watson

S.B. No. 922

A BILL TO BE ENTITLED

AN ACT

relating to authorizing the optional imposition of a county air quality fee at the time other emissions-related inspection fees are collected.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter G, Chapter 382, Health and Safety Code, is amended by adding Section 382.221 to read as follows:

Sec. 382.221. COUNTY AIR QUALITY FEE. (a) In this section:

(1) "Department" means the Texas Department of Motor Vehicles.

(2) "State-funded air quality program" means:

(A) the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program under Section 382.209; and

(B) a local initiative project program under Section 382.220.

(b) An affected county in which a fee is not collected for a state-funded air quality program and that has incidents approaching, or monitors incidents that exceed, the eight-hour national ambient air quality standard for ozone may by order adopt a county air quality fee to be used by the county only for a county-funded version of a state-funded air quality program. The county-funded program must be overseen by the commission.

(c) A county may not discontinue a state-funded air quality

1 program in the county in anticipation of imposing a fee under this
2 section if the discontinuance would cause a violation of 42 U.S.C.
3 Section 7511d.

4 (d) A fee imposed under this section is not a Clean Air Act
5 fee.

6 (e) A county that adopts a fee under this section shall
7 notify the department, in a manner determined by the department, of
8 the fee and the fee amount not later than the 60th day before the
9 date the county imposes the fee.

10 (f) The amount of a fee imposed under this section must be:

11 (1) in an amount equal to the amount of a fee that was
12 imposed in the county for the purposes of a state-funded air quality
13 program before the county imposed the fee under this section, if
14 applicable; or

15 (2) in an amount the county determines is necessary to
16 cover the costs to the county of implementing a county-funded
17 version of a state-funded air quality program, as approved by the
18 commission.

19 (g) The county assessor-collector of a county imposing a fee
20 under this section shall collect the additional fee for a vehicle at
21 the time of registration, when other fees imposed under this
22 chapter and Chapter 548, Transportation Code, are collected under
23 Section 548.509, Transportation Code.

24 (h) The department shall collect the additional fee on a
25 vehicle that is owned by a resident of a county imposing a fee under
26 this section and that must be registered directly with the
27 department. The department shall send all fees collected for a

1 county under this subsection to the county treasurer. The
2 department may deduct for administrative costs an amount of not
3 more than two percent of the amount of fees collected under this
4 section.

5 (i) The department shall adopt rules necessary to implement
6 this section.

7 SECTION 2. (a) Notwithstanding Section 382.221(e), Health
8 and Safety Code, as added by this Act, the first county in this
9 state that adopts a fee under Section 382.221, Health and Safety
10 Code, as added by this Act, must notify the Texas Department of
11 Motor Vehicles, in a manner determined by the department, of the fee
12 and the fee amount not later than the 120th day before the date the
13 county imposes the fee.

14 (b) A second or subsequent county in this state that adopts
15 a fee under Section 382.221, Health and Safety Code, as added by
16 this Act, may not impose the adopted fee before the date the county
17 described by Subsection (a) of this section imposes the fee adopted
18 by that county.

19 SECTION 3. This Act takes effect September 1, 2015.